

REMARKS

Claims 1, 3-8, 11, and 12 were pending at the time of the Office Action. Claims 9 and 10 were previously withdrawn. Claim 2 was previously cancelled without prejudice. Claims 1, 3, 5, 8, and 11 are amended in this response. Claims 13-20 are new claims. No new matter is added. Claims 1, 3-8, and 11-20 are pending at this time. Reconsideration and allowance of the above-referenced application are respectfully requested.

35 U.S.C. §112

Claims 1, 3-8, 11, and 12 are rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite. Amendments to claims 1, 3, 8, and 11 obviate these rejections under 35 U.S.C. §112, 2nd paragraph. Specifically, as amended, none of independent claims 1, 3, 8, or 11 recites “a part of the surface or an entire surface of the rib.” Further, none of the independent claims recites “without eliminating the hollow portion.” Accordingly, Applicant respectfully requests that the rejections of claims 1, 3-8, 11, and 12 be withdrawn.

35 U.S.C. § 103(a)

Claims 1, 3-8, 11, and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tokunaga et al. (JP 63-188544), hereinafter “Tokunaga,” in view of Furukawa et al. (JP 2001-260146), hereinafter “Furukawa,” in view of Hatayama et al. (US 5,690,035), hereinafter “Hatayama.” Applicants respectfully disagree.

With respect to claim 1, neither Tokunaga nor Furukawa nor Hatayama, taken alone or in any combination, describe or suggest that the noise insulation layer is disposed on at least one of an outside surface of the claimed structure member, the inside surface of the claimed structure member and a part of the surface of the claimed rib, such that the hermetically sealed hollow portion is not entirely occupied by the noise absorption layer. The Office agrees that Tokunaga does not teach the claimed noise absorption layer being disposed on the outside surface of the structure member and on a part of the surface of the claimed rib. *See, e.g.,* Office Action, page 3, 2nd paragraph. The Office relies on Furukawa to teach the noise absorption layer disposed on an

outside surface of the claimed structure member and on Hatayama to teach the noise absorption layer disposed on a part of the surface of the claimed rib.

However, turning to Hatayama assumes that Hatayama and Tokunaga are properly combinable. Applicants respectfully suggest otherwise, noting that an ordinary artisan would not have combined Hatayama with Tokunaga for reasons that follow. Hatayama describes a truss type extruded aluminum section provided with vibration-damping resin for a transport vehicle. *See, e.g.*, Hatayama at Abstract. Hatayama describes sticking vibration-damping resins and plastic films on surfaces of truss type extruded aluminum structural members in order to provide vibration and noise damping. *See, e.g.*, Hatayama, col. 3, lines 34-38. Hatayama's intended application is damping vibration in such aluminum structures that are employed in vehicles running at high speeds over 270 km/hr. *See, e.g.*, Hatayama, lines 47-52. Further, Hatayama describes that aluminum sections are used as structural members owing to their light weight and high rigidity. *See, e.g.*, Hatayama, col. 1, lines 23-25. Thus, Hatayama describes using metallic structures that are light weight and high rigidity. Also, in Hatayama, the aluminum structure is the cause of vibration and noise.

By contrast, Tokunaga describes an insulator dash formed with a sound insulation panel that is molded in a shape to coincide with the surface shape of a dash panel by using a flexible material, e.g., a PVC resin agent, S rubber agent, and a spacer rib 12, integrally formed in a protruding manner to the back of the sound insulation panel 11. *See, e.g.*, Tokunaga at Abstract. Tokunaga's structural member is made of a non-metallic material. Further, Tokunaga's structural material is the source of noise insulation.

Because it is well known that metallic structures are noise conductors, and not noise insulators, replacing Tokunaga's non-metallic sound insulation panel with Hatayama's aluminum structure will render Tokunaga unsatisfactory for it's intended use. Also, replacing Hatayama's aluminum structure with Tokunaga's non-metallic sound insulation panel may not provide the light weight and high rigidity that Hatayama's high speed vehicles require. Consequently, one skilled in the art would not have combined Tokunaga and Hatayama, as suggested, because the two references teach away from each other.

Because Hatayama cannot be properly combined with Tokunaga, as suggested by the Office, the combination of Tokunaga, Furukawa, and Hatayama is not possible. Further, as

agreed by the Office, neither Tokunaga nor Furukawa, taken alone or in any combination, teaches all the features of claim 1. Specifically, for example, the combination of Tokunaga and Furukawa does not teach that the noise insulation layer is disposed on a part of the surface of the claimed rib. Further, the combination of Tokunaga and Furukawa does not teach that the hermetically sealed hollow portion is not entirely occupied by the noise absorption layer, as claimed.

According to the Office, reference numeral 14 in Tokunaga (*see, e.g.*, Tokunaga, fig. 4) is the claimed noise absorption material, reference numeral 11 is the claimed structure member, and reference numeral 12 is the claimed rib. It is clear from fig. 4 in Tokunaga that the noise absorption material occupies the entire volume formed between two ribs, the structure member, and an external member (Tokunaga's reference numeral 13). Thus, Tokunaga does not teach that the hollow portion is not entirely occupied by the noise absorption layer, as claimed.

Furukawa does not rectify this deficiency in Tokunaga. In this regard, Furukawa describes a sound absorbing material layer arranged in a mold to form a foamed layer by foam molding. *See, e.g.*, Furukawa at Abstract. Also, Furukawa describes that a core material is provided with core material projected parts that pierce the sound absorbing material layer. *See, e.g.*, Furukawa at Abstract. As illustrated in Furukawa (*see, e.g.*, Furukawa, fig. 1), the sound absorbing material 10 occupies the entire space between two core material projected parts 10, and the core material 1 itself. So, the combination of Tokunaga and Furukawa does not describe or suggest all the claimed features.

Thus, and in review, absent the hindsight improperly gleaned from the present application, one skilled in the art would not have been motivated to combine Hatayama and Tokunaga because those references teach away from each other for reasons articulated above. And, even if their combination were somehow made, the artisan would find that their combination along with Furukawa does not teach all the features of claim 1. Therefore, a *prima facie* case of obviousness is not established. Accordingly, claim 1 is patentable. All claims dependent from claim 1 are also patentable at least for similar reasons and for the additional recitations that they contain.

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Claims 3, 8, and 11, and all claims dependent from each of these independent claims, are patentable at least for reasons similar to claim 1 and for the additional recitations that they contain.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the remarks made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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